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Notice of Allowability	Application No.	Applicant(s)	
	10/820,707	ISOM ET AL.	
	Examiner	Art Unit	
	Rodney M. Lindsey	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed July 18, 2005.
2. ☒ The allowed claim(s) is/are 1,2,10,11,14,15,20,22,25,27,28 and 32.
3. ☒ The drawings filed on 09 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>7/18/05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413);
Paper No./Mail Date <u>08032005</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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Art Unit: 3765

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Timothy Ford on August 3, 2005.

The application has been amended as follows:

In claim 1, line 15 "first" has been changed to --third--.

In claim 14, line 10 "ear frame member is" has been changed to --and second ear frame members are--, line 11 "end of the band, a portion of the first ear frame member" has been changed to --and second ends of the band respectively, a portion of the first and second ear frame members--, line 12 --and second-- has been inserted after "first" and line 13 "member" has been changed to --members--.

In claim 20, line 6 "ear portion" has been changed to --and second ear portions-- and line 7 "ear portion" has been changed to --and second ear portions--.

Claim 23 has been canceled.

Claim 26 has been canceled.

In claim 32, line 3 --and second-- has been inserted after the second occurrence of "first", line 4 "member" has been changed to --members-- and "end of the band" has been changed to --and second ends of the band respectively--, line 6 "ear frame member in a first position" has been changed to --and second ear frame members in first positions--, line 7 "ear frame member is in the first position" has been changed to --and second ear frame members are in the first

Art Unit: 3765

positions--, line 8 --and second-- has been inserted after "first", "member" has been changed to --members-- and "a second position" has been changed to --second positions--, line 9 --and second-- has been inserted after "first" and line 10 "member is in the second position" has been changed to --members are in the second positions--.

Claim 33 has been canceled.

Claims 34-41 have been listed and provided with the status identifier (Canceled).

Claims 42-50 have been canceled.

2. Per the interview of August 3, 2005 claim 1 was amended to overcome indefiniteness therein, claims 14, 20 and 32 were amended to define over the Korean reference to Yoon and claims 42-50 were canceled to overcome indefiniteness therein.

3. The following is an examiner's statement of reasons for allowance: the prior art references of record fail to teach the combination of a shell and frame, the frame including first, second and third frame members, the first and third frame members including passageways and a projection proximate the passageway for engaging a plurality of projections on the second frame member.

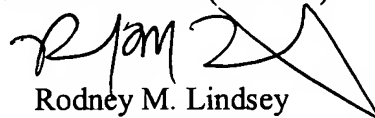
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Lindsey whose telephone number is (571) 272-4989. The examiner can normally be reached on M-F (8:30-5:00).

Art Unit: 3765

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rodney M. Lindsey
Primary Examiner
Art Unit 3765

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